September 1, 2009

B. Fritts Golden, AICP
Aspen Environmental Group
235 Montgomery Street, Suite 935
San Francisco, CA 94104

RE: Archaeological Survey and Assessment of C6 Resources LLC's Proposed Northern California CO2 Reduction Project, Solano County, California

Dear Mr. Golden:

In accordance with our agreement, William Self Associates, Inc. (WSA) has implemented a record search, archaeological field survey and assessment of C6 Resources LLC's proposed Northern California CO2 Reduction Project, Solano County, California (Appendix A, Figures 1, 2). As construction of the well pad proposed for the parcel will involve ground disturbance, a cultural resource study was conducted in compliance with Section 21084.1 of the California Environmental Quality Act (CEQA). Given that no significant cultural resources were found during the study, our response will be in a letter format rather than a stand-alone assessment report. Therefore, general background information on the cultural setting of the area is included in summary form only.

**Project Description and Location**

The project area is situated in Section 11 of Township 3 North, Range 1 East, as shown on the Antioch North, California (1978) 7.5' USGS topographic quadrangle (Appendix A, Figure 3).

The proposed project constitutes construction of an 8 acre well pad on Coco Properties LLC's land south of Montezuma Hills Road, approximately 2 miles from Bird's Landing. The entrance to the project area is on Montezuma Hills Road. The project area is situated within the Montezuma Hills and is located approximately 3 miles north of the confluence of the San Joaquin and Sacramento Rivers. The elevation of the project area is approximately 250 feet above sea level.

### *Setting*

The project area is located within the Montezuma Hills, a formation of gently rolling uplands lying between 10 and 250 feet above mean sea level northwest of the confluence of the Sacramento and San Joaquin Rivers. The area is surrounded by low lying marshes, fragmented islands and dendritic sloughs and channels of the delta and Suisun Bay to the south and east, the alluvial plains of the Central Valley to the north, and the Coast Ranges to the west. The dominant native vegetation in the hills consists of Purple Needlegrass (*Stipa pulchra*) (Schoenherr 1992:520), a characteristic species of the Central Valley prairie. Today, wheat cultivation replaces the native flora and the hills are also used for livestock grazing. Native trees such as oak are sparse in the region and it is not clear if this scarcity is due to clearance for agricultural purposes or represents the natural distribution of the trees in the hills.

Native fauna in the region included pronghorn (*Antilocapra americana*), deer (*Odocoileus hemionus*), jackrabbit (*Lepus californicus*), Beechey ground squirrel (*Spermophilus beecheyi*), kangaroo rat (*Dipodomys heermanni*), pocket gophers (*Thomomys bottae*) and possibly tule elk (*Cervus elophus nannodes*) (Schoenherr 1992:549-552).

Today the Montezuma Hills are arid with only seasonal and ephemeral drainages crossing the landscape (USFS 1998). The climate is typically Californian, temperate with average temperatures varying between 58° and 62° Fahrenheit annually. Most precipitation occurs as rain with 16 to 20 inches per year (USFS 1998).

## Cultural Setting

### *Prehistory*

The project area is located within the boundaries of the Delta subregion of the Central Valley archaeological region defined by Moratto (1984), however the prehistory of the area is primarily based on the majority of known prehistoric archaeological sites that occur further to the east, closer to the delta and the Sacramento River. Very few prehistoric sites have been investigated in the vicinity of the project area, and no prehistoric sites are known within the project area itself. The following discussion is largely based on Moratto (1984) with other contributions noted.

The Delta archaeological subregion is characterized by deeply buried sites on the alluvial plain and deeply stratified mounded sites situated on small knolls that rise above the flood plain. The earliest evidence of the widespread occupation of the Delta region appears around 4500 years ago and is characterized by the Windmiller Pattern. Known Windmiller Pattern sites are typically located on low rises or knolls in the floodplains of creeks or rivers. These provided protection from seasonal floods and were close to several different settings (e.g., riparian, marsh, grassland) with a variety of biotic communities. The Windmiller Pattern is identified by the cemeteries which contain bodies

laid on the stomach and extended with the head oriented to the west. Bodies are occasionally found resting on the back or in other positions, but are typically found with abundant grave goods. The large projectile points indicate that animals were hunted using spears or darts. Baked clay net sinkers, bone fish hooks and spears, and the faunal remains at Windmiller Pattern sites indicate that these early inhabitants relied upon both hunting and fishing for sustenance. Ground stone tools such as mortars and milling slabs indicate that they also relied upon ground vegetal foods such as seeds, nuts and roots. Charmstones, quartz crystals, bone awls and needles, shell beads and ornaments from abalone are also characteristic of the Windmiller Pattern (Beardsley 1948; Heizer 1949; Heizer and Fenenga 1939; Lillard et al. 1939; Ragir 1972; Schulz 1970).

The Berkeley Pattern appeared around 2500 years ago lasting to about 1500 years ago and although it overlapped the Windmiller Pattern, it persisted after the Windmiller was no longer present. Sites with both of these archaeological patterns are found throughout central California and are not unique to the Delta subregion. Berkeley Pattern sites are characterized by deep midden deposits suggesting larger residential group size and greater frequency of site reuse or even a greater degree of sedentism than that indicated by the Windmiller Pattern sites. Berkeley Pattern burials are characterized by bodies placed in a tightly flexed position. Burials are often found interspersed with evidence of occupation. Fewer burials are associated with grave goods. When they are found, grave goods include bone tools, groundstone, occasional quartz crystals, and some shell beads of different styles than those found with the Windmiller Pattern graves.

The Augustine Pattern replaced the Berkeley Pattern beginning around 1500 years ago and lasted through historic times. Sites appear to be even larger and more intensively occupied (larger populations, longer stays) than with the Berkeley Pattern. Graves continue to be interspersed with living areas and bodies are typically placed in the flexed position. Evidence of cremations appears and becomes more frequent approaching the historic period. Grave goods increase and are quite extravagant with some burials, sometimes including thousands of shell beads and clusters of elaborate abalone ornaments. Groundstone tool styles change but their frequency shows an increased importance of acorns and seeds in the diet. Projectile points are much smaller than in preceding periods, indicating the adoption of the bow and arrow.

The lack of known prehistoric archaeological sites in the project area may be due to the relative lack of reliable water and associated resources. Large village sites and cemetery sites tend to be located within a few hundred feet of perennial water sources in central California and the Delta subregion is no exception. The intermittent and seasonal nature of the waterways in the project area could explain the seeming absence of substantial archaeological deposits. The prairie uplands were more likely visited on a seasonal basis by a reduced number of people, most likely a small hunting group on a trip of limited duration. The kinds of archaeological remains we might expect to find within the project area would be scanty and nearly invisible. Remains of a campfire, a lost arrowhead, or the minor debris from the resharpening of a spear point or arrow might be all that remains of the prehistoric use of this landscape.

***Ethnography***

The project area represents a landscape that was a nexus for different Native American groups in recent prehistory and historic times. Typically in California, the landscapes with significant resources, such as perennial waterways or clusters of oak trees, were not shared between groups. Different scholars associate the Montezuma Hills region with different groups and it may be that the area was visited by different groups sporadically but claimed by none. The project area is alternately associated with the Southeastern Patwin (Bennyhoff 1977:164; Johnson 1978:Figure 1; Kroeber 1925:Plate 1), the Plains Miwok (Levy 1978:Figure 1; Theodoratus et al. 1980:Map 2) and the Bay Miwok (Bennyhoff 1977:164; Levy 1978:Figure 1; Theodoratus et al. 1980:Map 2). The Bay Miwok village of Ompin was located approximately 4 miles southeast of the project area (Levy 1978:Figure 1) and it is likely that the Bay Miwok dominated use of the area most recently.

The Bay Miwok's territory encompassed the southeastern portion of the Montezuma Hills near Rio Vista and extended west to encircle the town of Walnut Creek. The southern part of the Bay Miwok land included Mount Diablo and extended east as far as Plains Miwok territory in the vicinity of Sherman Island (Levy 1978:Figure 1).

The Bay Miwok distributed themselves into tribelets that consisted of a village or groups of villages that shared linguistic or kinship affinities. Theodoratus et al. (1980:78) estimated that the average population of Bay Miwok tribelets was 300 persons. The Montezuma Hills were not occupied permanently by the Ompin or their closest neighbors, the Southern Patwin and Plains Miwok (Bennyhoff 1977:146). Settlements were located near permanent watercourses, near intermittent streams (in drier areas), and on high ground when near the Delta (Theodoratus et al. 1980). The Bay Miwok probably followed a seasonal pattern to acquire necessary food and other materials. The Ompin tribelet, in particular, would have visited the Montezuma Hills in spring and summer to hunt pronghorn, jackrabbit, and possibly tule elk (Theodoratus et al. 1980). Seed bearing grasses and sedges may have been available during this interval as well. Resources available in the Delta and the surrounding marshlands included deer, pronghorn, tule elk, rodents, waterfowl, freshwater mussels and clams, fish, and various insects (Levy 1978).

The Bay Miwok constructed several types of structures. Conical thatch structures covered with tule mats were commonly used as residences both along the Delta and in uplands such as the Montezuma Hills. The Bay Miwok constructed semi-subterranean earth-covered lodges that served as winter homes. Other structures included acorn granaries, menstrual huts, sweathouses, and assembly houses. Assembly houses comprised two types: a semi-subterranean earth lodge and a circular brush enclosure. The Bay Miwok made the former structure a ritual and social focal point. The brush enclosure, on the other hand, provided space for ceremonies (Levy 1978).

Miwok technology included bone, stone, antler, wood and textile tools. Hunting was accomplished with the use of the bow and arrow, in addition to traps and snares. Basketry items included seed

beaters; cradles; sifters; rackets used in ball games; and baskets for storage, winnowing, parching, and carrying burdens. Other textiles included mats and cordage. Tule balsa boats were constructed for navigation on rivers and in the Delta (Levy 1978).

The Bay Miwok first came into contact with Europeans in the second half of the 18th century, when Spanish explorers entered the area. The Bay groups were the first of the Eastern Miwok to undergo conversion by Spanish missionaries. The first baptisms took place in 1794 and the last in 1827. A majority of the Bay and Plains converts were taken to Mission Dolores and Mission San Jose. It appears that many Bay and Plains Miwok tribelets disappeared through the combined effects of population removal to the missions and epidemics. Accounts exist of Miwok individuals who resisted missionization and fled to their villages. As a consequence, the Spanish formed military expeditions to recapture the fugitives. Initially the Miwok remained hidden within Delta lands, but they eventually learned to emulate Spanish warfare tactics. As a result, several tribelets initiated counter attacks in the form of raids on missions and ranchos, thereby invoking significant cultural changes (Heizer 1941).

With the arrival of trappers, gold miners, and settlers to California, the Miwok suffered exposure to new varieties of introduced diseases they had previously not experienced. Although this early contact with settlers resulted in a destructive impact on the Miwok population, relationships with settlers varied. While some hostilities occurred between the Sierra Miwok and miners, some of the Plains Miwok became involved in agricultural operations on the large land grants that were coming into existence then. After the United States annexed California, some of the Miwok were displaced to Central Valley locations, yet many remained on the rancherias established in the Sierra Nevada foothills. During the final decades of the 19th century and early years of the 20th century, the Miwok living on the foothill rancherias adapted to a new lifestyle. Subsistence through hunting and gathering was now augmented by seasonal wage labor on ranches and farms. As the reliance upon a cash income increased, traditional subsistence practices suffered. Several persons of Miwok descent still survive and maintain strong communities and action-oriented organizations (Levy 1978).

***Historic Overview***

The Delta was visited frequently by Spanish explorers. Pedro Fages scouted the shores of San Francisco Bay in search of a suitable mission site and by 1772 had traveled as far inland as the San Joaquin River (Kyle 1990; Thompson 1958). Colonel Juan Bautista de Anza explored the same territory in 1776. The Spanish launched explorations of the Sacramento River as well, beginning with Francisco Eliza's expedition up that river. Between 1806 and 1817, mission site reconnaissance expeditions were conducted by a number of explorers, including Gabriel Moraga (1806, 1808), Father Ramon Abella (1811), Jose Antonio Sanchez (1811), and Father Narciso Duran (1817) (Beck and Haase 1974).

Euro-American encroachment into the Montezuma Hills began in 1844 when John Bidwell (1819-1900) petitioned the Mexican government for a land grant in southeastern Solano County (Kyle 1990). Manuel Micheltorena, the 13th governor of Mexican Alta California, made the grant to Bidwell that same year for the 17,726-acre Rancho Los Ulpinos. The grant was located on the west bank of the Sacramento River, east of the project area (Beck and Haase 1974; Kyle 1990; Gregory 1912; Hunt 1926). Bidwell built an adobe house in the vicinity of present-day Rio Vista, and attempted to cultivate the land. Bidwell's efforts at agriculture, as well as those of subsequent settlers on the ranch, were unsuccessful; although one settler went on to establish the town that became Rio Vista (Hunt 1926).

The second thrust of Euro-American settlement occurred in 1846 with the establishment of the Hastings Adobe. The adobe is named for Lansford W. Hastings, a lawyer who arrived in California from Oregon in 1843. Active in early American settlement of the Montezuma Hills region, he traveled extensively in an attempt to draw new settlers. Hastings returned to the East Coast in 1844 and published a book titled *The Emigrant's Guide*. Upon his return to California, Hastings was chosen as an agent for the Mormon Church to determine a suitable location for a colony in Mexican California. He chose a site at the head of Suisun Bay, and in 1846 laid out plans for a town at this location. Hastings constructed an adobe for himself which he named Montezuma House. The American occupation of California in 1846 dashed Hastings' hope for a land grant from the Mexican government. The annexation of California as a territory of the United States also prompted Mormons to lose interest in the Montezuma Hills area as a colony site, because they had suffered previous mistreatment from non-Mormons elsewhere in the country. Three years later, Hastings abandoned the adobe (Hunt 1926; Kyle 1990; Theodoratus et al. 1980).

The adobe was reoccupied in 1853 by Lindsay Powell Marshall, Sr. and his sons John and Charles Knox. Marshall, a native of Booneville, Missouri, was a land speculator and cattle rancher who had acquired land in Benicia in 1852. Marshall and his sons took possession of the Hastings Adobe as squatters, although they purchased the property from Hastings in 1854 (Gregory 1912; Kyle 1990; Theodoratus et al. 1980). The Marshalls raised livestock on the ranch and expanded their landholdings by systematically acquiring additional acreage.

Through a combination of cash entry patents, a homestead patent, and patents of swamp and overflow land, the Marshall family had added more than 1,000 acres to their holdings by 1873. From 1866 to 1873, the Marshalls shifted the emphasis of their agricultural enterprise from cattle ranching to small-scale farming and dairying. Winter wheat was a prominent product of the Marshall ranch. Portions of the Marshall ranch were sold to John Kierce and Edward Jenkins by 1880, and Samuel O. Stratton acquired the adobe in the 1890s. The Stratton family continued to farm the property, dairying and cultivating grain, until 1964 (California Death Index 1940-1997; Theodoratus et al. 1980; United States Federal Census 1900, 1910, 1930).

Further development of agriculture in the Montezuma Hills area was stimulated by Delta reclamation efforts from the 1850s to the early 20th century. Following the precedent of a similar act in Arkansas (Arkansas Swamp Land Act), the California State Legislature passed an act to provide for the sale of overflow and swamp land in 1855, the proceeds of which sales were to facilitate land reclamation. Under this act, up to 320 acres of land per person could be sold at $1 per acre. Swamp and overflow land could be bought on credit, although the purchaser was obligated to reclaim half the land purchased within 5 years. The attempts of individual landowners to build levees and reclaim swamp and overflow land in the 1850s proved futile in most cases. Individual shoestring levees were not sufficient to hold waters at bay; a network of levees and drains was required, necessitating a large amount of capital investment beyond the scope of most individual landholders.

In 1861 the state legislature created the State Board of Reclamation Commissioners and authorized it to form reclamation districts (McGowan 1961). In an attempt to enclose large areas within natural levees, 32 districts were formed. After the board was dissolved in 1866, control of swamp and overflowed land fell to the counties (Thompson 1958). Acreage limitations were removed and land incentive programs were instituted. When a landowner certified that $2 per acre had been spent on reclamation, the purchase price of the land was refunded to the deed holder. Speculators took advantage of this offer and a period of opportunistic and often irrational levee building followed (McGowan 1961; Thompson 1958).

Among the agriculturists to take advantage of the availability of land was Emery Upham. Upham began acquiring land and established a large livestock and ranching operation just north of Collinsville in 1865. By 1870 Upham owned 6,500 acres of the Montezuma Hills and adjacent slough areas. Upham increased his acreage through 1880 by which time his holdings comprised 8,100 acres, including the town of Collinsville and the project area. Upham grew wheat and raised swine, sheep and dairy and beef cattle. Upon his death in 1897 Upham's land was divided and sold to private landowners, who continued to farm and ranch on the land (William Self Associates 1993).

The Old Shiloh Church and associated cemetery located at 2595 and 2597 Shiloh Road, approximately 5 miles northwest of the project area, was built in 1870. Members of the Cumberland Presbyterians built the church with proceeds from burial plot sales on the property. The cemetery contains headstones with dates as early at the 1870s. The church was destroyed by fire in 1875 and rebuilt in 1876. The cemetery served as the final resting place for many of the area's early pioneers, including John Bird, after whom Bird's Landing is named. In 1955 the church was restored and in 1969 the Old Shiloh Church was named a Solano County Point of Historical Interest.

Transportation to and from the Montezuma Hills was limited to two means until 1913. Smaller Delta towns such as Collinsville relied on river ferries to connect them to rail transportation and other river towns. L. W. Hastings established a ferry near Collinsville in the late 1880s. The ferry connected Collinsville with the opposite shore of the Delta (Hunt 1926). To reach inland destinations such as Fairfield, residents of the Montezuma Hills region were dependent on a

network of roads. Through the 1870s road development was limited in this area, comprising a few tracks and unimproved roads (Henning 1872). The present system of roads from Montezuma Hills to Fairfield, Rio Vista, and Dixon was established between 1872 and 1890 (Henning 1872; Eager 1890).

The 1870s saw the expansion of railroads throughout California. Several different routes connected the major towns of the Delta area, such as Benicia, Vallejo, Fairfield, and Pittsburg, to the rest of California. The Oakland, Antioch, & Eastern Railway Co. (OA&E) (established March 28, 1911), a predecessor to the Sacramento Northern Railway, extended its Oakland-to-Sacramento line through the Montezuma Hills between 1913 and 1914. The OA&E ran a 93-mile route from San Francisco to Sacramento providing mostly passenger service as well as transporting agricultural goods out of the Montezuma Hills enabling rapid transport of agricultural products to a wide market (C. F. Weber & Co. 1914; Robertson 1998). In 1928, the OA&E was bought by the Sacramento Northern Railway, owned by Western Pacific. By 1941, passenger service on this section of the railway was abandoned. During WWII, freight business increased, servicing the Pittsburg steel plant, the Fairfield Army Air Corps Base, the Concord Naval Weapons Depot, and the Oakland Army Terminal. With the abandonment of the Suisun Strait Ferry, which used to take cars across the strait, the line was de-electrified in 1953. Some excursions along this portion of the railway continued through the 1960s and 1970s. The Union Pacific acquired the line in 1987 by merger and decided to abandon it. The Bay Area Electric Railroad Association (BAERA) raised the necessary money to lease 22 miles from Montezuma to Dozier and west to Canon near Fairfield. Today BAERA operates a "Scenic Limited" service in April and a "Pumpkin Patch" service in October along the route (Western Railway Museum 2009).

**Results of the Records Search**

On behalf of WSA, staff at the California Historical Resources Information System, Northwest Information Center (NWIC) at Sonoma State University conducted a records search of the project vicinity on December 23, 2008 (File No. 08-0725). Information on previous archaeological surveys and recorded sites within a 1-mile radius of the project area was gathered to identify and evaluate the potential for the presence of cultural resources. The study included a review of archaeological, ethnographic, historical, and environmental literature as well as records and maps on file at the NWIC.

Historic maps reviewed included: 1872 J.S. Henning, Map of Solano County, California 1878; 1877 Map of Solano County, California; 1908 USGS Antioch Quadrangle; and the 1853 and 1872 GLO Plat Maps, T3N, R1E. No cultural resources were identified in the vicinity of the project.

No listings in the project area were found in the California Inventory of Historic Resources for Solano County. The Office of Historic Preservation Historic Properties Directory has two entries for

Birds Landing, the 1875 Bird and Dinkelspiel Store at 2145 Collinsville Road and the 1876 Old Shiloh Church on Shiloh Road. However, neither building is within one mile of the project area.

Results of the records search indicated that no recorded archaeological sites are within the project area. A former ranch site (P-48-518) is within one mile of the project area, 3/4-mile from the proposed well pad (Table 1). One archaeological study has been conducted that encompasses the project area (S-10481). No evidence of prehistoric or historic material was recorded by this survey (Table 2). However, the report notes the presence of two "historic compounds" within their study area, although neither was evaluated nor researched further. One is located at the intersection of Montezuma Road and Bird's Landing Road, and the other is on Talbert Lane in Section 25 (Holman 1987). Both are over one mile from the project area, although the former is barely so. This is the family home of Richard Russell (of Coco Properties LLC) going back four generations (Richard Russell 2008, pers. comm.), and the current home of Ian Anderson who currently farms the project area.

**Table 1 Cultural resources identified within 1-mile of the project boundaries**

| Resource | Quad Map 7.5-Minute | Description | Proximity to Project |
|---|---|---|---|
| P-48-518 | Antioch North | Historic site that represents the remnants of two ranching or farming-related buildings. There are three features recorded: a row of eucalyptus trees; a square concrete footing; and a square raised wooden platform. | Approximately 3/4-mile northeast. |

**Table 2 Cultural resources study encompassing the project boundaries**

| Study # | Author | Date | Title | Sites |
|---|---|---|---|---|
| S-10481 | Miley Paul Holman | 1987 | Archaeological Field Inspection of the Montezuma Hills Proposed Wind Farm Area, Solano County, California (letter report). | None, but 2 "historic compounds" are noted but not evaluated |

Five archaeological studies have been conducted within 1-mile radius of the project area (S-11766, 13263, 24272, 34412, and 11826). No evidence of prehistoric or historic cultural resources was found within 1 mile of the project area as the result of these investigations (Table 3). However, S-011826 reported 40 sites in total, 23 of them in Solano County, while S-24272 reported 9 sites in its study area. Again, none of these sites are within one mile of the project area.

**Table 3 Cultural resources studies conducted within 1-mile of the project boundaries**

| Study # | Author | Date | Title | Sites |
|---|---|---|---|---|
| S-11766 | Miley Paul Holman | 1989 | Archaeological Literature Review and Field Inspection of Areas 1 through 9, Montezuma Hills, Solano County, California (letter report). | None |

| | | | | |
|---|---|---|---|---|
| S-11826 | Dorothea J. Theodoratus<br>Mary Pyle Peters<br>Clinton M. Blount<br>Pamela J. McGuire<br>Richard D. Ambro<br>Michael Crist<br>Billy J. Peck and<br>Myrna Saxe | 1980 | Montezuma I and II Cultural Resources. | 40 total.<br>In Solano County:<br>CA-SOL-33<br>(Hastings Adobe)<br>CA-SOL-34<br>CA-SOL-282H<br>CA-SOL-283H<br>CA-SOL-284H<br>CA-SOL-285H<br>CA-SOL-286H<br>CA-SOL-287H<br>CA-SOL-288H<br>CA-SOL-289H<br>CA-SOL-290H<br>CA-SOL-291H<br>CA-SOL-292H<br>CA-SOL-293H<br>CA-SOL-294H<br>CA-SOL-295H<br>CA-SOL-296H<br>CA-SOL-297H<br>CA-SOL-298H<br>CA-SOL-299H<br>CA-SOL-300H<br>CA-SOL-301H<br>CA-SOL-302H |
| S-13263 | Kim J. Tremaine | 1991 | An Archaeological Inspection of the Proposed Collinsville Wind Turbine Generation Site and Transmission Line. | None |
| S-24272 | Jones & Stokes | 2001 | Cultural Resources Inventory Report for High Winds, LLC's, Proposed Wind Turbine Project in the Montezuma Hills of Solano County, California. | P-48-000518<br>P-48-000519<br>P-48-000520<br>P-48-000521<br>P-48-000522<br>P-48-000523<br>P-48-000524<br>P-48-000525<br>P-48-000526 |
| S-34412 | Eric Wohlgemuth | 2005 | Archaeological Reconnaissance of the Pacific Gas and Electric Company 230kV Delta Transmission Line Reconductoring Project, Solano, Sacramento, and Contra Costa Counties, California. | None |

**Native American Heritage Commission Consultation**

On December 22, 2008, James M. Allan, Vice-President of WSA, contacted the Native American Heritage Commission (NAHC) by letter to request information on known Native American traditional or cultural properties within the project area, and to request a listing of individuals or groups with cultural affiliation to the project area. NAHC staff member Ms. Debbie Pilas-Treadway replied to the WSA letter on December 23, 2008, stating that "a record search of the sacred land file has failed to indicate the presence of Native American cultural resources in the immediate project area." Included in the NAHC response was a list of interested Native American contacts, which is appended to this letter report. See attached Native American Heritage Commission Consultation and List of Native American Contacts (Appendix B).

On January 12, 2009, WSA sent letters to the seven contacts identified by the NAHC. Copies of the correspondence are provided Appendix C. No comments were received. Follow-up phone calls were placed on January 27 and February 2 and 3, 2009. Kesner Flores of the Wintun/Patwin Indian Tribe answered on January 27, 2009 that he wasn't aware of anything in the project area but requested that we resubmit our request by email so that he could send us some NAGPRA information. WSA staff archaeologist Jeffrey Schaeffer emailed our request to Mr. Flores and on February 10, 2009 Mr. Flores responded in an email to Mr. Schaefer: "Likelyhood can be considered low to moderate. Here is the protocol in the event of a find. Thank you for the contact." Attached to the email was the text of the Patwin Wintun Cultural Management Response Plan. Mr. Flores' email and the Patwin Wintun Cultural Management Response Plan are attached in Appendix D.

On March 16, 2009, WSA received a letter from Marshall McKay, Tribal Chairman of the Rumsey Band of Wintun Indians. In his letter, Mr. McKay states that:

> the Rumsey Band of Wintun Indians, of California is not aware of any known cultural resources on this site. However, as the project progresses, if any new information or historic remains are found, we do have a process to protect such important and sacred artifacts. It is always suggested that a tribal monitor be present for any earthmoving activities.

Mr. McKay goes on to request that he and Mr. Leland Kinter are be contacted if tribal cultural items or Native American human remains are found, with Ms. Michelle LaPena of LaPena Law Corporation being copied on all communications. Mr. McKay's letter is included in Appendix D. No other responses were received. The results of WSA efforts are also summarized in Appendix D.

**Results of the Field Survey**

WSA Project Director, Paul Farnsworth, Ph.D., conducted a pedestrian survey of the proposed project area on December 18, 2008. During the survey, the project area was evaluated for the presence of historic or prehistoric site indicators. Historic site indicators include, but are not limited to foundations, fence lines, ditches, standing buildings, objects or structures such as sheds, or concentrations of materials at least 50 years in age, such as domestic refuse (glass bottles, ceramics, toys, buttons or leather shoes), or refuse from other pursuits such as agriculture (e.g., metal tanks, farm machinery parts, horseshoes) or structural materials (e.g., nails, glass window panes, corrugated metal, wood posts or planks, metal pipes and fittings, etc.). Prehistoric site indicators include, but are not limited to areas of darker soil with concentrations of ash, charcoal, bits of animal bone (burned or unburned), shell, flaked stone, groundstone, or even human bone. Prior to the survey, satellite imagery available on Google Earth was consulted, as were USGS 7.5 minute topographic maps of the project area. In addition, the property owner, Richard Russell was consulted about potential historic structures in the project area. According to Mr. Russell, no structures have ever been located within the project area (Richard Russell 2008, pers. comm.). No evidence of prehistoric or historic cultural resources was observed within the area proposed for the project during the survey, although surface visibility was moderate throughout most of the survey areas.

The archaeological field survey began at the southern end of the project area, and proceeded northward along the ridge. At the northern end of the survey area the surveyor paced 15 m west and headed south to the southern edge of the survey area. The process was repeated with transects at 15 m intervals along the top of the ridge. The survey transects ran slightly east of north and the survey progressed west across the survey area at 15 m intervals. The survey area is crossed by an E-W dirt road and had another dirt road running approximately north-south through the area. The survey area measured approximately 8 acres. Much of the area was generally flat, with a gentle slope west to the west of the dirt road into a shallow valley and a relatively steep slope to the southeast at the eastern edge of the survey area.

Most of the area, excluding the southeast quarter, had been disked earlier in the year according to the tenant farmer (Ian Anderson 2008, pers. comm.), but at the time of survey a short, green grass covered much of the area, while approximately 1 ft. high stalks of a previously harvested cereal crop remained in rows throughout the survey area. The southeastern corner of the survey area, as well as a strip 10-20 m wide on either side of the dirt roads, had not been disked or planted, and had much denser grass cover and hence very limited surface visibility. In the immediate vicinity of the roads (a few meters to either side) surface visibility was approximately 60%, but as a whole, surface visibility averaged 30% and was rarely more than 40%. This was, in part, due to the general absence of animal burrows and livestock trails in the survey area, while the flat topography reduced the incidence of soil erosion areas. The soil encountered was a relatively friable, brown to dark brown loam with some yellow mottling in places and with calcareous rock fragments usually

approximately ¼-in. diameter but ranging up to 3 in. diameter. No prehistoric or historic cultural features or materials were observed in the survey area.

**Recommendations**

No prehistoric or historic cultural features or materials were observed in the survey area. The results of the record search and the visual inspection of the project area indicate that the likelihood of encountering significant cultural resources within the project area is very low. However, should any previously undiscovered historic or prehistoric resources be found during construction, work should stop, in accordance with CEQA regulations, until such time that the resource can be evaluated by a qualified archaeologist and appropriate mitigative action taken as determined necessary by the County Lead Agency.

In the event that Native American human remains or funerary objects are discovered, the provisions of the California Health and Safety Code should be followed. Section 7050.5(b) of the California Health and Safety Code states:

> *In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined, in accordance with Chapter 10 (commencing with Section 27460) of Part 3 of Division 2 of Title 3 of the Government Code, that the remains are not subject to the provisions of Section 27492 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of death, and the recommendations concerning treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code.*

The County Coroner, upon recognizing the remains as being of Native American origin, is responsible to contact the Native American Heritage Commission within 24 hours. The Commission has various powers and duties to provide for the ultimate disposition of any Native American remains, as does the assigned Most Likely Descendant. Sections 5097.98 and 5097.99 of the Public Resources Code also call for "protection to Native American human burials and skeletal remains from vandalism and inadvertent destruction."

Please don't hesitate to give me a call if we may be of further assistance or answer any questions that you may have regarding the survey or this report.

Thank you for the opportunity to provide our services to you on this project. If we can be of any further service, please do not hesitate to contact us.

**WILLIAM SELF ASSOCIATES, INC.**

Paul Farnsworth, Ph.D., RPA
Project Director.

Attachments

**References**

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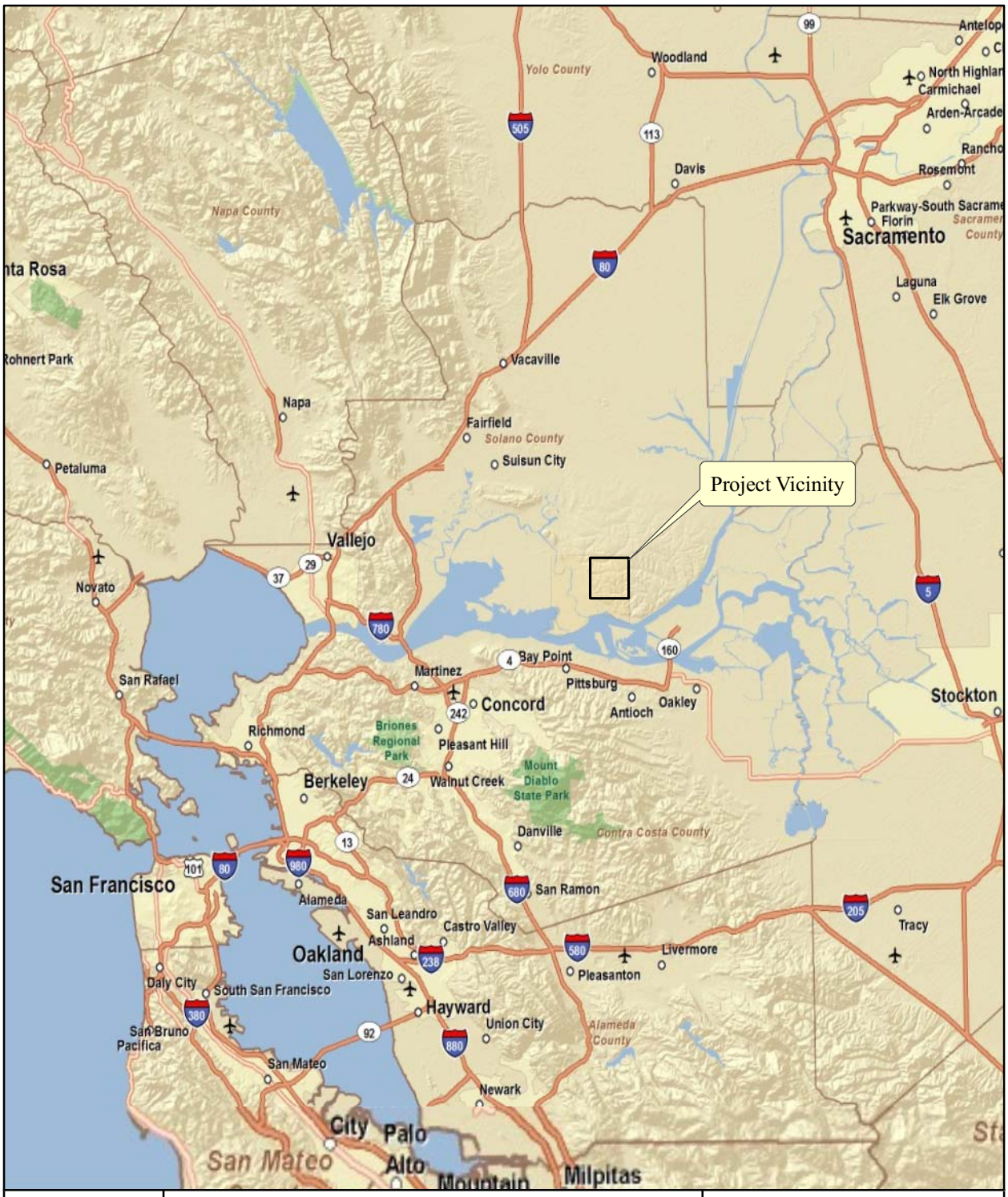
# APPENDIX A

## Figures

- Figure 1:  Project Vicinity Map
- Figure 2:  Project Area Map
- Figure 3:  Project Location Map

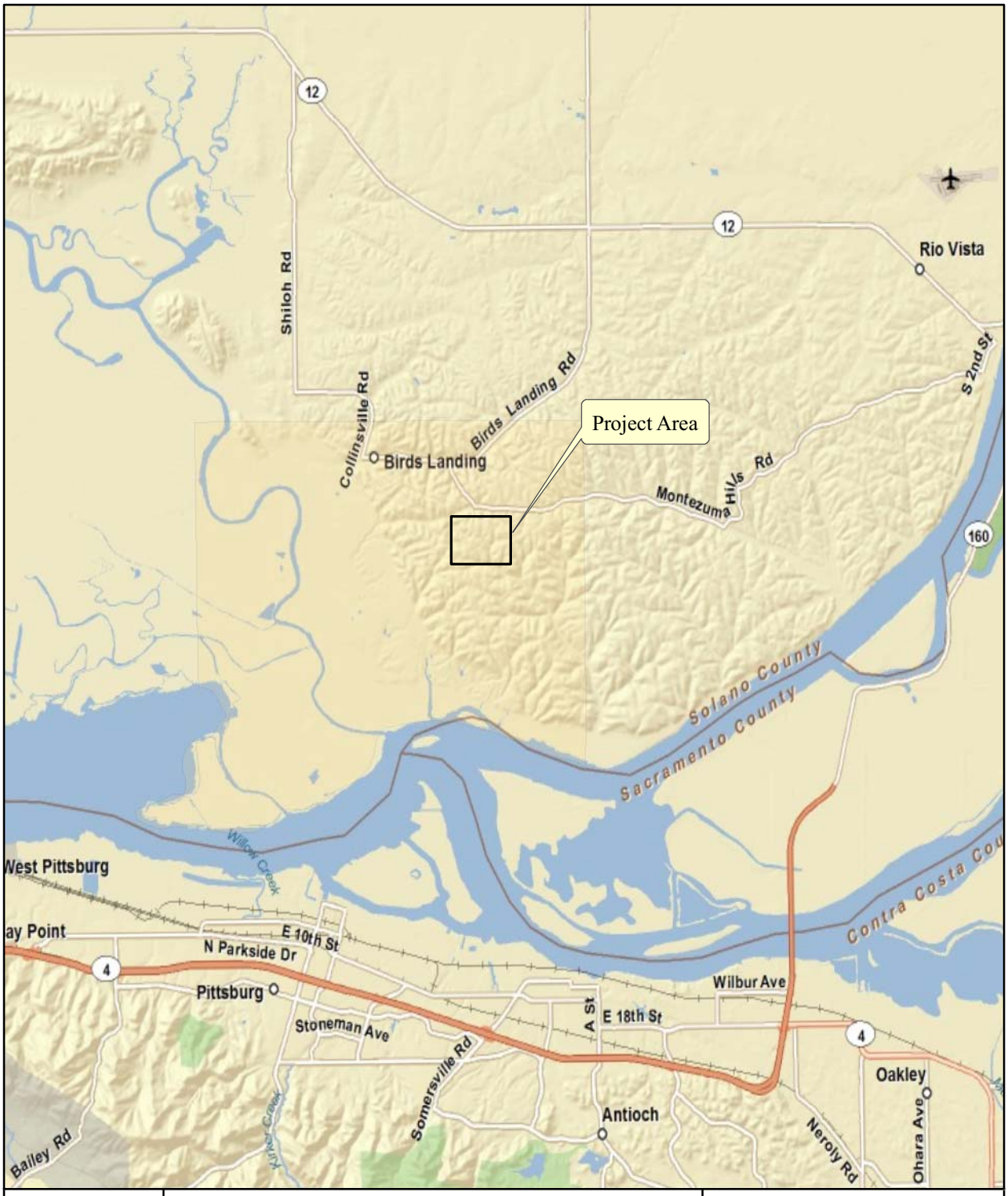



WSA

**Project Vicinity Map**

0 10 20 Miles

Figure 1
ASPEN
Northern California
CO2 Reduction Project
Solano County, CA

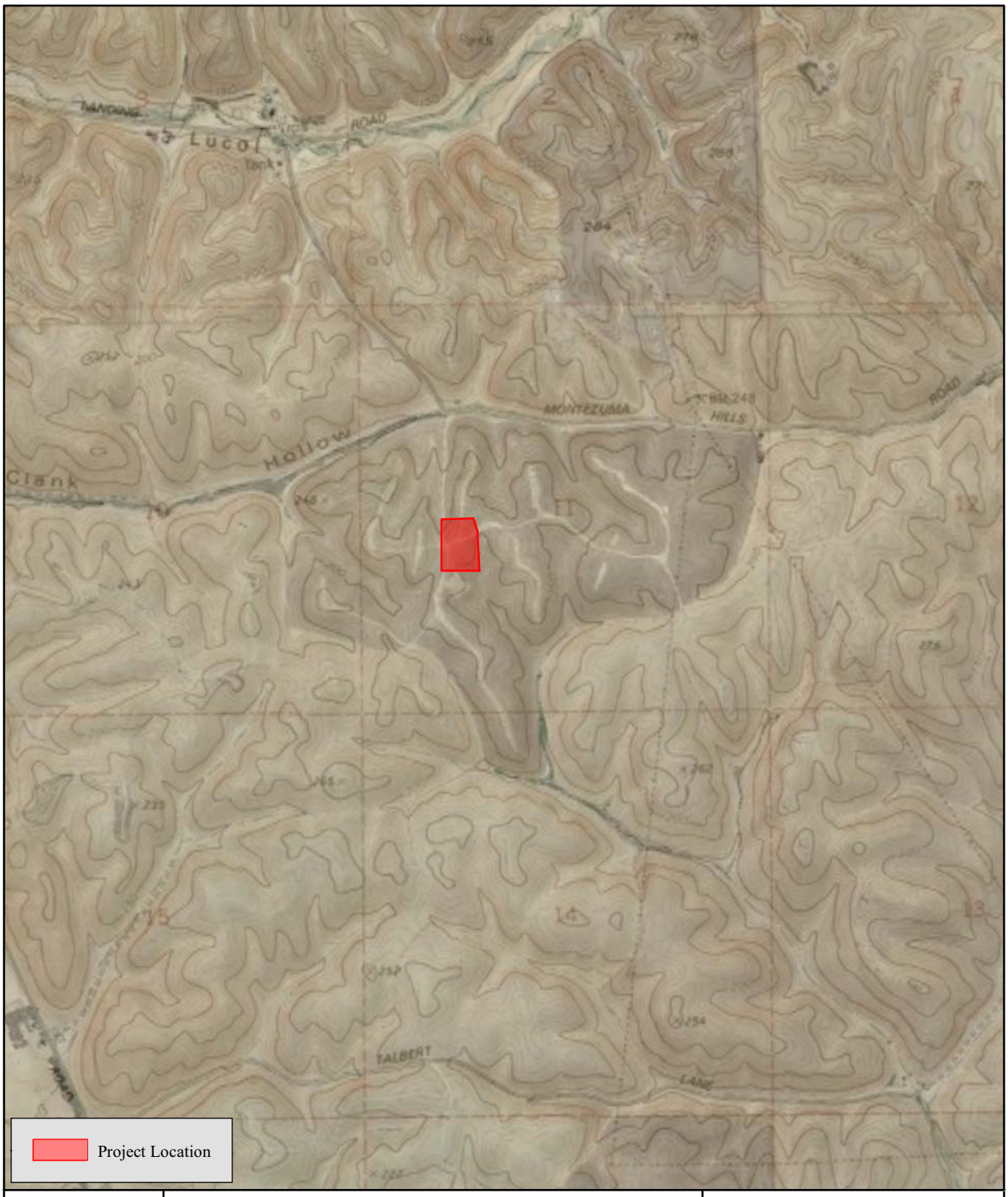



WSA

**Project Area Map**

0 2 4 Miles

Figure 2
ASPEN
Northern California
CO2 Reduction Project
Solano County, CA




WSA

**Project Location Map**

Figure 3
ASPEN
Northern California
CO2 Reduction Project
Solano County, CA

# APPENDIX B

## Native American Heritage Commission Consultation
## And
## List of Native American Contacts

December 22, 2008

Native American Heritage Commission
915 Capitol Mall, Room 364
Sacramento, CA 95814
(916) 653-4082; Fax (916) 657-5390

*RE: Shell CO2 Sequestration Project*

Dear Native American Heritage Commission:

William Self Associates, Inc. (WSA) has been contracted by Aspen Environmental Group to assess potential impacts to cultural resources as part of the Shell CO2 Sequestration Project, Solano County, California. The project area is within Township 3 north, Range 1 east, Sections 11 and 14, of the Birds Landing and Antioch North 7.5' USGS topographic quadrangles, as shown on the attached map.

We bring this project to the attention of the Native American Heritage Commission with the desire to obtain, from your office, pertinent information regarding prehistoric, historic and/or ethnographic land use and sites of Native American traditional or cultural value that might be known to exist within the project vicinity, as depicted in the Sacred Lands database or other files. We would also appreciate obtaining a list of interested Native American tribal entities or individuals for the project area. We have contacted the North West Information Center at Sonoma State University, Rohnert Park to review their files as part of the background research on the project.

We would appreciate a response, at your earliest convenience, should you have information relative to this request. Should you have any questions, I can be reached at (925) 253-9070.

Thank you again for your assistance.

Sincerely,

**WILLIAM SELF ASSOCIATES**

James M. Allan, Ph.D., RPA
Vice-President

Attachment

P.O. Box 2192
61d Avenida de Orinda
Orinda CA 94563

**William Self Associates, Inc.**

Phone: 925-253-9070
Fax: 925-254-3553
Email: wself@williamselfassoc.com

STATE OF CALIFORNIA Arnold Schwarzenegger, Governor

NATIVE AMERICAN HERITAGE COMMISSION
915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-4082
Fax (916) 657-5390
Web Site www.nahc.ca.gov

December 23, 2008

James M. Allan
Vice-President
William Self Associates, Inc.
PO Box 2192
61d Avenida de Orinda
Orinda, CA 94563

Sent by Fax: 925-254-3553
Number of Pages: 2

Re: Proposed Shell CO2 Sequestration Project, Solano County

Dear Mr. Allan:

A record search of the sacred land file has failed to indicate the presence of Native American cultural resources in the immediate project area. The absence of specific site information in the sacred lands file does not indicate the absence of cultural resources in any project area. Other sources of cultural resources should also be contacted for information regarding known and recorded sites.

Enclosed is a list of Native Americans individuals/organizations who may have knowledge of cultural resources in the project area. The Commission makes no recommendation or preference of a single individual, or group over another. This list should provide a starting place in locating areas of potential adverse impact within the proposed project area. I suggest you contact all of those indicated, if they cannot supply information, they might recommend others with specific knowledge. By contacting all those listed, your organization will be better able to respond to claims of failure to consult with the appropriate tribe or group. If a response has not been received within two weeks of notification, the Commission requests that you follow-up with a telephone call to ensure that the project information has been received.

If you receive notification of change of addresses and phone numbers from any of these individuals or groups, please notify me. With your assistance we are able to assure that our lists contain current information. If you have any questions or need additional information, please contact me at (916) 653-4038.

Sincerely,

Debbie Pilas-Treadway
Environmental Specialist III

**Native American Contacts**
Solano County
December 23, 2008

Kesner Flores
PO Box 1047 Wintun / Patwin
Wheatland , CA 95692
calnagpra@hotmail.com
925-586-8919

Cortina Band of Indians
Elaine Patterson, Chairperson
PO Box 1630 Wintun / Patwin
Williams , CA 95987
(530) 473-3274 - Voice
(530) 473-3190 - Voice
(530) 473-3301 - Fax

Cortina Band of Indians
Karen Flores, Vice Chairperson
PO Box 1630 Wintun / Patwin
Williams , CA 95987
(530) 473-3274 - Voice
(530) 473-3190 - Voice
(530) 473-3301 - Fax

Rumsey Indian Rancheria of Wintun
Marshall McKay, Chairperson
P.O. Box 18 Wintun (Patwin)
Brooks , CA 95606
(530) 796-3400
(530) 796-2143 Fax

Rumsey Indian Rancheria of Wintun
Leland Kinter, Native Cultural Renewal Committee
P.O. Box 18 Wintun (Patwin)
Brooks , CA 95606
(530) 979-6346
(530) 796-3400 - office
(530) 796-2143 Fax

Rumsey Indian Rancheria of Wintun
Cynthia Clarke, Native Cultural Renewal Committee
P.O. Box 18 Wintun (Patwin)
Brooks , CA 95606
(530) 796-3400 - office
(530) 796-2143 Fax

Wintun Environmental Protection Agency
P.O. Box 1839 Wintun (Patwin)
Williams , CA 95987
corwepa@hotmail.com
(530) 473-3318
(530) 473-3319
(530) 473-3320 - Fax

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed Shell CO2 Sequestration project, Solano County.

# APPENDIX C

## Native American Contact Letters

January 12, 2009

Kesner Flores
PO Box 1047
Wheatland, CA 95692

*RE:* *Shell $CO_2$ Sequestration Project, Solano, California*

Dear Mr. Flores:

William Self Associates, Inc. (WSA) has been contracted to assess potential impacts to cultural resources as part of the Shell $CO_2$ Sequestration Project in Solano, California. The project area is located in Township 3 north, Range 1 east, Sections 11 and 14 as depicted on the attached map.

We would appreciate receiving any comments you may have regarding cultural resources or sacred sites issues within the immediate project area. If you could provide your comments in writing to the address below, or call me, we will make sure the comments are provided to our client as part of this project.

Feel free to provide comments in writing to the address below, or to call me. We will place a follow-up call on Monday, January 26, should you have information relative to this request.

Thanks again for your assistance.

Sincerely,

**WILLIAM SELF ASSOCIATES**

James M. Allan, Ph.D., RPA
Vice-President, Principal Project Director

Attachment

**William Self Associates, Inc.**
E-mail: wself@williamself.com

**CORPORATE OFFICE: San Francisco Bay Area**
PO Box 2192, 61 Avenida de Orinda
Orinda CA 94563
Phone: 925-253-9070/ 925-254-3553 fax

WSA

ACRA

Consultants in Archaeology and Historic Preservation

www.williamself.com

January 12, 2009

Cortina Band of Indians
Elaine Patterson, Chairperson
P.O. Box 1630
Williams, CA 95987

*RE:* *Shell $CO_2$ Sequestration Project, Solano, California*

Dear Ms. Patterson:

William Self Associates, Inc. (WSA) has been contracted to assess potential impacts to cultural resources as part of the Shell $CO_2$ Sequestration Project in Solano, California. The project area is located in Township 3 north, Range 1 east, Sections 11 and 14 as depicted on the attached map.

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Feel free to provide comments in writing to the address below, or to call me. We will place a follow-up call on Monday, January 26, should you have information relative to this request.

Thanks again for your assistance.

Sincerely,

**WILLIAM SELF ASSOCIATES**

James M. Allan, Ph.D., RPA
Vice-President, Principal Project Director

Attachment

**William Self Associates, Inc.**
E-mail: wself@williamself.com

**CORPORATE OFFICE: San Francisco Bay Area**
PO Box 2192, 61 Avenida de Orinda
Orinda CA 94563
Phone: 925-253-9070/ 925-254-3553 fax

WSA

Consultants in Archaeology and Historic Preservation

www.williamself.com

January 12, 2009

Cortina Band of Indians
Karen Flores, Vice Chairperson
P.O. Box 1630
Williams, CA 95987

*RE:* *Shell $CO_2$ Sequestration Project, Solano, California*

Dear Ms. Flores:

William Self Associates, Inc. (WSA) has been contracted to assess potential impacts to cultural resources as part of the Shell $CO_2$ Sequestration Project in Solano, California. The project area is located in Township 3 north, Range 1 east, Sections 11 and 14 as depicted on the attached map.

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Thanks again for your assistance.

Sincerely,

**WILLIAM SELF ASSOCIATES**

James M. Allan, Ph.D., RPA
Vice-President, Principal Project Director
Attachment

**William Self Associates, Inc.**
E-mail: wself@williamself.com

**CORPORATE OFFICE: San Francisco Bay Area**
PO Box 2192, 61 Avenida de Orinda
Orinda CA 94563
Phone: 925-253-9070/ 925-254-3553 fax

January 12, 2008

Rumsey Indian Rancheria of Wintun
Leland Kinter, Native Cultural Renewal Committee
P.O. Box 18
Brooks, CA 95606

*RE:* *Shell $CO_2$ Sequestration Project, Solano, California*

Dear Mr. Kinter:

William Self Associates, Inc. (WSA) has been contracted to assess potential impacts to cultural resources as part of the Shell $CO_2$ Sequestration Project in Solano, California. The project area is located in Township 3 north, Range 1 east, Sections 11 and 14 as depicted on the attached map.

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Thanks again for your assistance.

Sincerely,

**WILLIAM SELF ASSOCIATES**

James M. Allan, Ph.D., RPA
Vice-President, Principal Project Director

Attachment

**William Self Associates, Inc.**
E-mail: wself@williamself.com

**CORPORATE OFFICE: San Francisco Bay Area**
PO Box 2192, 61 Avenida de Orinda
Orinda CA 94563
Phone: 925-253-9070/ 925-254-3553 fax

January 12, 2008

Rumsey Indian Rancheria of Wintun
Cynthia Clarke, Native Cultural Renewal Committee
P.O. Box 18
Brooks, CA 95606

*RE:* *Shell $CO_2$ Sequestration Project, Solano, California*

Dear Ms. Clarke:

William Self Associates, Inc. (WSA) has been contracted to assess potential impacts to cultural resources as part of the Shell $CO_2$ Sequestration Project in Solano, California. The project area is located in Township 3 north, Range 1 east, Sections 11 and 14 as depicted on the attached map.

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Feel free to provide comments in writing to the address below, or to call me. We will place a follow-up call on Monday, January 26, should you have information relative to this request.

Thanks again for your assistance.

Sincerely,

**WILLIAM SELF ASSOCIATES**

James M. Allan, Ph.D., RPA
Vice-President, Principal Project Director

Attachment

**William Self Associates, Inc.**
E-mail: wself@williamself.com

**CORPORATE OFFICE: San Francisco Bay Area**
PO Box 2192, 61 Avenida de Orinda
Orinda CA 94563
Phone: 925-253-9070/ 925-254-3553 fax

January 12, 2008

Wintun Environmental Protection Agency
P.O. Box 1839
Williams, CA 95987

*RE:* *Shell $CO_2$ Sequestration Project, Solano, California*

To whom it may concern:

William Self Associates, Inc. (WSA) has been contracted to assess potential impacts to cultural resources as part of the Shell $CO_2$ Sequestration Project in Solano, California. The project area is located in Township 3 north, Range 1 east, Sections 11 and 14 as depicted on the attached map.

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Thanks again for your assistance.

Sincerely,

**WILLIAM SELF ASSOCIATES**

James M. Allan, Ph.D., RPA
Vice-President, Principal Project Director

Attachment

**William Self Associates, Inc.**
E-mail: wself@williamself.com

**CORPORATE OFFICE: San Francisco Bay Area**
PO Box 2192, 61 Avenida de Orinda
Orinda CA 94563
Phone: 925-253-9070/ 925-254-3553 fax

January 12, 2008

Rumsey Indian Rancheria of Wintun
Marshall McKay, Chairperson
P.O. Box 18
Brooks, CA 95606

*RE:* *Shell $CO_2$ Sequestration Project, Solano, California*

Dear Mr. McKay:

William Self Associates, Inc. (WSA) has been contracted to assess potential impacts to cultural resources as part of the Shell $CO_2$ Sequestration Project in Solano, California. The project area is located in Township 3 north, Range 1 east, Sections 11 and 14 as depicted on the attached map.

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Thanks again for your assistance.

Sincerely,

**WILLIAM SELF ASSOCIATES**

James M. Allan, Ph.D., RPA
Vice-President, Principal Project Director

Attachment

**William Self Associates, Inc.**
E-mail: wself@williamself.com

**CORPORATE OFFICE: San Francisco Bay Area**
PO Box 2192, 61 Avenida de Orinda
Orinda CA 94563
Phone: 925-253-9070/ 925-254-3553 fax

# APPENDIX D

## Summary of Responses,
## Marshall McKay's Letter,
## Kesner Flores' Email Response
## and the
## Patwin Wintun Cultural Management Response Plan

# Shell CO2 Sequestration Project, Solano County, CA

| Contact Name | Affiliation | Phone No. | Contact by Mail | Contact by Phone #1 | Contact by Phone #2 |
|---|---|---|---|---|---|
| Kesner Flores | Wintun/Patwin | 925-586-8919 | Letter sent 1/12/09, no response | Talked to Kesner Flores who wasn't aware of anything in the project area but requested that we email him so that he could send us some NAGPRA information 1/27/09 | Email response received 2/10/09: "Likelyhood can be considered low to moderate. Here is the protocol in the event of a find. Thank you for the contact." Copy of Patwin Wintun Cultural Management Response Plan attached to the email |
| Elaine Patterson | Wintun/Patwin | 530-473-3274 | Letter sent 1/12/09, no response | Talked to secretary, left a message 1/27/09 | Talked to secretary, left a message 2/2/09 and 2/3/09 |
| Karen Flores | Wintun/Patwin | 530-473-3274 | Letter sent 1/12/09, no response | Talked to secretary, no longer works there 1/27/09 | |
| Marshall McKay | Wintun/Patwin | 530-796-3400 | Letter sent 1/12/09. Letter in response received 3/16/09: "not aware of any known cultural resources on this site." Requested that he and Leland Kinter be contacted if anything is found, with Ms. Michelle La Pena copied on the communication. | No answer, no message machine 1/27/09 | No answer, no message machine 2/2/09 |
| Leland Kinter | Wintun/Patwin | 530-796-3400 | Letter sent 1/12/09, no response | No answer, no message machine 1/27/09 | No answer, no message machine 2/2/09 |
| Cynthia Clarke | Wintun/Patwin | 530-796-3400 | Letter sent 1/12/09, no response | No answer, no message machine 1/27/09 | No answer, no message machine 2/2/09 |
| Winton Environmental Protection Agency | Wintun/Patwin | 530-473-3318 | Letter sent 1/12/09, no response | Talked to secretary, same office as Elaine Patterson 1/27/09 | |

**From:** Kesner Flores [mailto:calnagpra@hotmail.com]
**Sent:** Tuesday, February 10, 2009 4:38 AM
**To:** jschaeffer@williamself.com
**Subject:** RE: William Self Associates follow-up call

Likelyhood can be considered low to moderate. Here is the protocol in the event of a find. Thank you for the contact.
Kesner Flores
Kapay Associates, Inc.
P.O. Box 1047
Wheatland, Ca 95692

Cell Phone: 925-586-8919

Just a thought:

Things may seem difficult, the waters may be rough, but to never try, means we go no where at all. Work together and we can do anything we dream of...

**Patwin Wintun Cultural Management Response Plan**

**(I) Management Plan**

We strongly advise all parties to develop, in consultation with affected tribes, a written Management Plan for handling human remains. The plan will dictate a set of procedures and responsibilities to be implemented in the field, lab, repatriation, and actions to be taken on further discovery. All parties to the plan, including the Tribe or their designee, PATWIN Most Likely Descendent (MLD), Archaeological Consultant, and Project Lead, should provide input, support, and endorse the plan.

**(II) CEQA Compliance**

No physical action should be taken at the site of discovery until implementation of the lawful procedures mandated by CEQA Guidelines 15064.5(d): "When an initial study identifies the existence of, or the probable likelihood, of Native American human remains within the project, a lead agency shall work with the appropriate native Americans as identified by the Native American Heritage Commission as provided in Public Resources Code SS5097.98. The applicant may develop an agreement for treating or disposing of, with appropriate dignity, the human remains and any items associated with Native American burials with the appropriate Native Americans as identified by the Native American Heritage Commission."

CA Public Resource Code 5097.98 requires: "In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until: " 1. (The discovery) contacts the County Coroner (CC), 2. (CC) contacts the Native American Heritage Commission (NAHC), 3. (NAHC) identifies and contacts the Most Likely descendant (MLD), and 4. (Lead) initiates consultation with MLD and landowner.

**(III) Comportment**

All parties to the action are strongly advised to treat the remains with appropriate dignity, as provided in Public Resources Code Section 5097.98. We further recommend that all parties to the action treat tribal representatives and the event itself with appropriate respect. For example, jokes and antics pertaining to the remains, or other inappropriate behavior such as loud music, smoking, etc., are ill advised.

**(IV) Training and Experience**

Project directors and crew chiefs shall have thorough training and a working knowledge of skeletal anatomy and a demonstrated knowledge of Native California prehistoric burial practices. The primary archaeological consultant will be responsible for providing up-to-date CV's or resumes for all field personnel on request.

**Recommended Method for Burial Recovery:**

**(I) Blessings**
Prior to any physical action related to the remains, a designated PATWIN tribal representative will conduct prayers and blessings over the remains. The archaeological consultant will be responsible for insuring that individuals and tools involved in the action are available for traditional blessings and prayers.

**(II) Excavation Methods**
A number of different burial exposure techniques have a history in the discipline and reasonable adaptations of methods to special circumstances are expected. Ideally, an initial exposure of the bones will be done to confirm they are human and to determine the position, posture, and orientation of the remains. At this point, we recommend the following procedures:

(A) Tools. Ideally, all excavation in the vicinity of the remains will be conducted using fine hand tools and fine brushes to sweep loose dirt free from the exposure.

(B) Extent of Exposure. In order to determine the nature and extent of the grave and its contents, controlled excavation should extend to a full buffer zone around the perimeter of the remains.

(C) Perimeter Balk. To initiate the exposure, a perimeter balk (especially, a shallow trench) should be excavated, representing a reasonable buffer a minimum of 10 cm around the maximum extent of the known skeletal remains, with attention to counter-intuitive discoveries or unanticipated finds relating to this or other remains. The dirt from the perimeter balk should be bucketed, distinctly labeled, and screened for cultural materials.

(D) Exposure Methods. Excavation should then proceed inward from the walls of the balk as well as downward from the surface of the exposure. Loose dirt should be scooped out and brushed off into a dustpan or other collective device. Considerable care should be taken in the direct exposure of the bones, and a number of investigators have had success using dental tools or fine pointed bamboo or wood skewers, the latter preferred because they are likely to damage the bone.

(E) Provenience. Buckets, collection bags, notes, and tags should be fully labeled per provenience, and a distinction should be made between samples collected from: (1) **Perimeter Balk** (described above), (2) **Exposure** (dirt removed in exposing the exterior/burial plan and associations, and (3) **Matrix** (dirt from the interstices between bones or associations). Thus, each burial may have thee bags, “Burial 1 Perimeter Balk,” “Burial 1 Exposure Balk,” “Burial 1 Matrix.”

(F) Records. At a minimum, the following records should be compiled in the field: (1) a detailed scale drawing of the burial, including the provenience of and full for all bones, associated artifacts, and the configuration of all associated phenomena such as burial pits, evidence for preinterment grave pit burning, soil variability, and intrusive disturbance, (2) complete a formal burial record using the consultants proprietary form or other standard form providing information on site #, unit

or other proveniences, level depth, depth and location of the burial from a fixed datum, workers, date(s), artifact list, skeletal inventory, and other pertinent observations, (3) crew chief and worker field notes that may supplement or supercede information contained in the burial recording form, and (4) photographs, including either or standard photography or high-quality (>300 DPI) digital imaging.

Please note the provisions below with respect to handling and conveyance of records and samples.

(G) Association. Association between the remains and other cultural materials is to be determined in the field in consultation with a PATWIN representative, and may be amended per laboratory findings. Records of provenience and sample labels should be adequate to determine association or degree of likelihood of association of human remains and other cultural materials.

(H) Samples. For each burial, all **Perimeter Balk** soil is to be 1/8"-screened. All **Exposure** soil is to be 1/8"-screened, and a minimum of one 5-gallon bucket of excavated but unscreened Exposure soil is to be collected, placed in a plastic garbage bag in the bucket. All **Matrix** soil is to be carefully excavated, screened as appropriate, and then collected in plastic bags placed in 5-gallon buckets.

(I) The remains are not to be cleaned in the field.

**(III) Lab Procedures**

Lab Methods will be determined on a project-specific basis in consultation with PATWIN representatives. However, the following procedures are recommended:

(A) Responsibility. The primary archaeological consultant will be responsible for insuring that all lab procedures follow stipulations made by the PATWIN representative.

(B) Blessings. Prior to any laboratory activity related to the remains, a designated PATWIN tribal representative may conduct prayers and blessings over the remains. Further, the laboratory consultant will be responsible for insuring that pertinent personnel and lab facilities will be available for traditional blessings and prayers.

(C) Physical Proximity of Associations. To the extent possible, all remains, associations, samples, and original records are to be kept together throughout the laboratory process. In particular, **Matrix** dirt is to be kept in buckets and will accompany the remains to the lab. The primary archaeological consultant will be responsible for copying all field records and images, and insuring that the original notes and records accompany the remains throughout the process.

(D) Stipulations for Acquisition and Use of Imagery. Photographs and images may be used only for showing location or configuration of questionable formation or for the position of the skeleton. They are not to be duplicated for publication unless a written release is obtained from a PATWIN representative.

(E) Additional Lab Finds. Laboratory study should be done making every effort to identify unanticipated finds or materials missed in the field, such as objects encased in dirt. In the event of discovery of additional remains, materials, and associations, the PATWIN representative is to be contacted immediately.

GW/KF 08-10-01
KF/RR/GW/Revised 08-11-05

Rumsey Indian Rancheria

YOCHA-DE-HE

Rumsey Band of Wintun Indians

March 3, 2009

James M. Allan, Ph.D., RPA
Vice-President, Principal Project Director
William Self Associates, Inc.
P.O. Box 2192, 61 Avenida de Orinda
Orinda, CA 94563

Re: Shell $CO_2$ Sequestration Project in Solano, California

Dear Mr. Allan:

Thank you for your letter dated, January 12, 2009, seeking information regarding the Shell $CO_2$ Sequestration Project in Solano, California. Based on the information provided, the Rumsey Band of Wintun Indians, of California is not aware of any known cultural resources on this site. However, as the project progresses, if any new information or historic remains are found, we do have a process to protect such important and sacred artifacts. It is always suggested that a tribal monitor be present for any earthmoving activities.

Please contact the following individuals if tribal cultural items or Native American human remains are found:

Mr. Marshall McKay
Chairman, Rumsey Band of Wintun Indians, of California
Office: (530)796-3400, mmckay@rumseywintun-nsn.gov

Mr. Leland Kinter, MLD
Office: (530)796-3400, lkinter@rumseywintun-nsn.gov

And copy all communications to:
Ms. Michelle LaPena,
LaPena Law Corporation, michelle@lapenalaw.com

Thank you for providing us with this notice and opportunity to comment.

Sincerely,

Marshall McKay
Tribal Chairman